

Evaluation of the effectiveness of the return policy outlined in Terugkeerbeleid 1999

A preliminary feasibility study

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Summary

Reason and objective

In the 1998 Coalition Agreement, it was agreed to intensify the return policy for aliens. To help realise this goal, it was decided that aliens themselves have to cooperate in their return, and that they get four weeks to arrange for their departure after they have received a negative decision. This also applies to the cases in which previously granted residence status is withdrawn. During the preparation period before departure, aliens are allowed to stay in the reception centres. The Coalition Agreement also included decisions to take organisational measures, and to offer more extensive support in relation to the return of aliens.

The intention drawn up in the Coalition Agreement was outlined in more detail in the Notitie Terugkeerbeleid, a memorandum about the return policy that was published in June 1999¹. This is also sometimes called *Terugkeerbeleid '99*. The Stappenplan 2000, a step-by-step plan that was published in the Staatscourant on 10 February 2000, is part of this policy. Terugkeerbeleid '99 came into effect the day after, on 11 February 2000. Before that date, there was a different policy for the return of aliens: Terugkeerbeleid '97, which included Stappenplan 1999². The new Aliens Act, Vreemdelingenwet 2000 (Vw2000), was put into effect on 1 April 2001, which means that Terugkeerbeleid '99 was effective from 11 February 2000 to 1 April 2001.

The Institute for Applied Social Sciences ITS was commissioned by the WODC (Research and Documentation Centre) of the Ministry of Justice to conduct a survey into the *feasibility* of an investigation into the effectiveness of the return policy outlined in Terugkeerbeleid '99. Experiences gained in previous research show that the quality and availability of relevant quantitative data (particularly numerical material) leaves

¹ Ministry of Justice (1999). *Terugkeernotitie 25 June 1999*. Den Haag: Ministry of Justice.

² The basic principles of the return policy effective prior to Terugkeerbeleid '99 are described in full in a note dated 3 June 1997 of the then Minister of State to the Second Chamber, the Dutch Lower House. Because of this, the term Terugkeerbeleid '97 is used in the report.

much to be desired, which might put the feasibility of a study of the return policy at risk. Initially, to obtain a clearer view of the (im)possibilities of such a study, stock was taken of all of the information that would be available in principle, of the organisations that would provide it, and of the quality of the information. Based on such an inventory, it may be ascertained whether, and how, it would be possible to evaluate, both quantitatively and qualitatively, the effects of Terugkeerbeleid '99 for rejected asylum seekers, and to do this as much as possible in comparison with the earlier return policy.

Research method

The time available for an inventory was limited (4 to 6 weeks), so the quick-scan method was chosen, by which information is gathered in face-to-face and telephone interviews with key figures working for the chain organisations involved (in this case, the Immigration and Naturalisation Service (IND), the Aliens Police (VD), the Royal Dutch Military Police (Kmar), the Central Reception Organisation for Asylum Seekers (COA)) and other relevant organisations, such as the International Organisation for Migration (IOM).

Interviews were conducted with about 25 people in all. The key questions were:

- what numerical data about Terugkeerbeleid '99 and the policy that was in effect prior to that may be obtained from chain partners and other relevant organisations?
- how reliable is that information?
- how soon can the information be (made) available?

In addition to this, (written) information was gathered and recorded about the organisations (that were) involved in the development and implementation of the return policy. Activities were also employed to complement and verify the information in question.

Main findings

The chain partners and the IOM each have their own registration systems in which they record information about aliens and about their activities regarding aliens.

The main and most central registration system is that of the *IND*. Through the *INDIS* information system, the *IND* has access to relevant information about regular aliens and asylum seekers. As to the latter group, the information in *INDIS* includes information about their asylum procedure, including decisions about their asylum request, objection and appeal; information about the organisation responsible for their reception and the termination thereof, and information about pronouncements of undesirability, aliens' detention and return. In addition to this, the *IND* uses the central national residence status register *CRV* (Centraal Register Vreemdelingen), which con-

tains personal details and background characteristics of asylum seekers and regular aliens.

The *COA* records information about the asylum seekers staying in the central reception centres, with the help of the (I)BIS registration system. This includes other background variables such as nationality, sex and the IND registration number. The *COA* also records a number of things concerning return conversations and activities taken to effect expulsions and evictions. The *IOM*, which supports aliens' independent or voluntary departure from the Netherlands, records relevant personal details in its own central registration system (*CRS*). The records show whether repatriation, or resettlement in a different country is involved, as well as data about the current status of an alien in the Netherlands (illegal, exhausted of all legal procedures, or still in the procedure), and about his destination. The *KMar* has two systems to record numbers, one at Schiphol and one at the border patrol posts. The data refer to the numbers of persons registered for expulsion, actual deportations and possible cancellations. The 25 *VD* districts record data in a decentralised aliens registration system (*dVAS*), which includes relevant information on a personal level about departure, expulsion, pronouncements of undesirability and aliens' detention.

It is clear that the chain partners that implement the policy and the *IOM* record potentially relevant data that could be meaningful in a study into the effectiveness of the return policy for rejected asylum seekers. A more detailed analysis of the registration systems in question shows, however, that the *registration* of the (*independent*) *return* of rejected asylum seekers by the chain partners involved *does not suffice* for an evaluation of the return policy. Information is available (from the *IND*) about rejected asylum seekers whose departure was effected by expulsion or supervision; however, hardly any information is recorded about people who leave on their own accord. Only the *IOM* has data about independent departures, but the group of asylum seekers that use the *IOM* is limited. In addition to this, the majority of rejected asylum seekers – some 75 to 85% - is not known to have left the Netherlands at all, and for which destinations. *INDIS*, however, does record these persons as having left (under the category 'left-address check-ups'), if a check-up at their last known address has not found them.

The *reliability* of the information that is recorded is dubious. The information systems of most chain partners are - to a greater or lesser extent - polluted by registration backlogs and registration mistakes. To determine which return policy applies to any given person, registration of all relevant decisions and the dates at which they were taken is of the greatest importance, since the selection of the sample should take place on the basis on these data. If registration did not take place in the most optimal manner, asylum seekers that are not really part of the target group may be included in the investigation, or asylum seekers that are in fact relevant to the study may not be selected. Besides this, the classifications inside a number of registration systems sometimes show some overlap, including that of the *KMar*. This may result in information

duplication. Moreover, asylum seekers are sometimes classified incorrectly, particularly under the left-address check-ups mentioned before: people are frequently registered under this category although they may not have left the Netherlands and may turn up again later in the procedure, because they were merely deregistered by their reception centres or left through the IOM. Another important obstruction to a quantitative evaluation of the effects of Terugkeerbeleid '99 is the limited *applicability* and *workability* of the information. A number of organisations (IOM, VD and KMar) are not known to be willing and/or able to make information available to the investigation. In addition to this, a practical link-up of the registration systems of the various organisations that implement policy to the INDIS system may be hampered or made impossible because of technical reasons or out of principle (COA and IOM), or because the IND registration number is not in use, or was not used in the past (KMar and VD).

Conclusions and recommendations

In view of the above, the most important conclusion of this inventory - in the light of the limited measure of registration of independent returns and the problems that affect the availability and reliability of the information of the organisations involved - is that a quantitative investigation into the effects of Terugkeerbeleid '99 on the (independent) return of rejected asylum seekers is *not feasible*.

This conclusion is not new: the Audit Office concluded earlier that the available information about return does not provide sufficient insight in the effectiveness of the return policy - at the time, Terugkeerbeleid '97 - and that the quality of the information that is available is marred³. The current inventory shows once again that there are similar problems regarding the feasibility of a study of the return policy. If no action is taken now, chances are that the same will become true of an evaluation of the new Aliens Act, Vw 2000. In view of this, and to facilitate future evaluation as regards this Act, the researchers make the following recommendations:

- the files of the various chain partners should be made technically compatible;
- the quality of the registration of data by the various chain partners should be improved and geared to one another;
- data about returns and departures should be recorded more adequately and more completely
- the registration of left-address check-ups should be improved and the category in question should not be used as a 'leftovers category'.

Based on the conclusion about the infeasibility of an investigation into Terugkeerbeleid '99 mentioned in the above, the researchers propose to operationalise the effec-

³ Tweede Kamer (1999). *Terugkeerbeleid afgewezen asielzoekers*. Vergaderjaar 1998-1999, 26 626, nrs 1-2. Den Haag: Sdu Uitgevers.

tiveness of the policy in a different way than in terms of return. More emphasis should be given to the measures developed to make the return policy more effective, such as the setting of a final term for departure, the termination of reception centre care after this term has passed, facilitation of independent returns, and the options for pronouncements of undesirability and aliens' detention (see Terugkeernotitie 1999). The problems concerning the availability and quality of numerical data will be largely obviated in this manner; in this way, the measures in the return memorandum of June 1999 may be seen in the light of their merits in fortifying the return policy and enhancing cooperation between the organisations that have to implement the return policy. In one of the appendices to this report, an initial impetus is given for such an investigation.

Wijngaart, M. van den, Hulsen, M. & Olde Monnikhof, M. (2003). *Evaluatie effectiviteit Terugkeerbeleid '99. Een vooronderzoek naar de (on)mogelijkheden*. ITS: Nijmegen.

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